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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,772	11/02/2001	Toshio Ueno	01706/LH	4311
1933	7590	09/29/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708			ZURITA, JAMES H	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/002,772	UENO, TOSHIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	James H. Zurita	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 July 2005.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,4-12,15-22 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4-12,15-22 and 25-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date multiple.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Prosecution History***

On 2 November 2001, applicant filed the instant application.

On 30 August 2004, the Examiner issued a first office action, rejecting all claims.

On 2 November 2005, applicant cancelled claims 2-3, 13, 14, 23 and 24 and amended claims 1, 4-12, 15-22 and 25-33.

On 28 February 2005, the examiner issued a final rejection of pending claims 1-4, 15-22 and 25-33.

On 8 June 2005, applicant submitted an after final amendment.

On 5 July 2005, the Examiner mailed an advisory action.

On 13 July 2005, applicant filed a request for continuing Examination.

The present office action is a response to the request.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8 June 2005 has been entered.

### ***Response to Amendment***

On 8 June 2005, applicant amended claims 1, 4, 6-9, 12, 15, 17-22, 25, 27-30.

Claims 1, 4-12, 15-22 and 25-33 are pending and will be examined.

### ***Response to Arguments***

Applicant's arguments filed 8 June 2005 have been fully considered but they are moot in view of new grounds of rejection.

### ***Claim Objections***

The Examiner notes that several claims rely for support on a cursory mention in the disclosures. For example, paragraph 23 mentions Option configuration (claim 8), Network configuration (claim 9), Usage condition (claim 10). In the absence of further description, these and other terms will be given their broadest reasonable interpretation:

In claim 6, the term "...solution information..." is indefinite. For purposes of this Examination, the term will be given its broadest reasonable interpretation to include information such as providing information that a part needs to be changed.

In claim 9, the term "...information of a network configuration..." is indefinite. For purposes of this examination, the term will be given its broadest reasonable interpretation to include any type of information such as network topology.

In claim 31, the term "...software version information..." is indefinite. For purposes of this examination, the term will be given its broadest reasonable interpretation to include any type of information related to software changes.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-12, 15-22 and 25-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Kageyama (US 6,333,790).

**As per claim 1,** Kageyama discloses methods, systems and computer-executable instructions for coping changes in hardware including:

- (a) **accessing** an plurality of image forming apparatuses (printers, item 200, Fig. 1) of a plurality of users (Fig. 1, item 1001, for example) through a computer network (Fig. 1, item 110, for example) and acquiring information on the apparatuses of the users (see, for example, Col. 1, line 50-Col. 2, line 8, which discloses that a centralized system, Fig. 1, item 400, acquires information on the printer apparatuses of users 1001). The information may comprise count data of at least one of printing and copying (see, for example, Fig. 10, item 10C, *number* of sheets spent).
- (b) **acquiring** information on a part to be changed from image forming apparatuses that require the part change. See, for example, references to replacement of parts, Col. 2, line 39-Col. 3, line 3:
- (c) **generating** information on the image forming apparatuses that require the part change, based on the information on the apparatuses of the users and the information on the part to be changed. See, for example, Col. 3, lines 4-12, concerning transmitting information that is generated.

(d) *providing* the information on the apparatuses that require the part change to a terminal operated by a maintenance administrator. See, for example, at least Col. 18, lines 1-24.

*As per claim 4*, Kageyama discloses generating order data or for the part to be changed based on the calculated total number of parts to be changed. See, for example, references to calculating and ordering a part based on information that one part needs to be changed, as in Col. 2, lines 39-67.

*As per claim 5*, Kageyama discloses transmitting order data to a service parts system. See, for example, references to service processing part that performs acceptance processing of an order, Col. 3, lines 4-12.

*As per claim 6*, Kageyama discloses that acquired information on the part to be changed includes solution information, and the solution information is provided to the terminal operated by the maintenance administrator along with the information on the apparatus that require change the part change. See for example, references to solving particular difficulties, as in Col. 1, lines 7-42. See also references to proposing replacement of a part, as in Col. 2, line 39-67.

*As per claim 7*, Kageyama discloses information on the apparatuses of the users includes a product manufacture number. See, for example, Fig. 10, printer manufacturing number.

*As per claim 8*, Kageyama discloses information on the apparatuses of the users includes information on an option configuration. See, for example, at least Fig.

10, and references to printer information, including options for installation, system construction.

***As per claim 9***, Kageyama discloses information on the apparatuses of the users includes information on a network configuration. See, for example, at least Col. 8, lines 30-Col. 9, line 14, concerning network topologies.

***As per claim 10***, Kageyama discloses that the information on the apparatuses of the users includes usage condition information. See, for example, Fig. 10, and references to period of use.

***As per claim 11***, Kageyama discloses that the information on the apparatuses of the users includes software information. See, for example, Fig. 10 and references to printer controller; see also Figs. 2 and 6, for other information concerning a printer, including software such as user operating panel and interface.

***As per claim 31***, Kageyama discloses that software information comprises software version information. See, for example, references to updating printer software, as in Col. 15, lines 48-65 and Col. 17, lines 1-47.

Claim 12 is rejected on the same grounds as claim 1.

Claim 15 is rejected on the same grounds as claim 4.

Claim 16 is rejected on the same grounds as claim 5.

Claim 17 is rejected on the same grounds as claim 6.

Claim 18 is rejected on the same grounds as claim 7

Claim 19 is rejected on the same grounds as claim 8.

Claim 20 is rejected on the same grounds as claim 11.

Claim 21 is rejected on the same grounds as claim 10.

Claim 22 is rejected on the same grounds as claim 1.

Claim 25 is rejected on the same grounds as claim 4.

Claim 26 is rejected on the same grounds as claim 5.

Claim 27 is rejected on the same grounds as claim 6.

Claim 28 is rejected on the same grounds as claim 7

Claim 29 is rejected on the same grounds as claim 10.

Claim 30 is rejected on the same grounds as claim 11.

Claim 32 is rejected on the same grounds as claim 31.

Claim 33 is rejected on the same grounds as claim 31.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**James Zurita**  
**Patent Examiner**  
**Art Unit 3625**  
18 September 2005

*James Zurita*  
*Patent Examiner*  
*Art 3625*